

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AMERICAN MUNICIPAL POWER, INC.,	:	
	:	
Plaintiff,	:	Case No. 2:17-cv-00708
	:	
v.	:	CHIEF JUDGE ALGENON L. MARBLEY
	:	
VOITH HYDRO, INC.,	:	Magistrate Judge Deavers
	:	
Defendant.	:	
	:	

JOINT MOTION FOR DISMISSAL WITH PREJUDICE

As this Court is aware, Plaintiff American Municipal Power, Inc. and Defendant Voith Hydro, Inc. settled this matter at the settlement conference conducted by the Court on October 21 and 24, 2022. Subsequent to this settlement conference, the Parties have now entered into a settlement agreement documenting the settlement terms that were announced by the Court on October 24, 2022. ECF No. 422. As referenced in this Court's October 25, 2022 Order (ECF No. 423), the Parties jointly move the Court under Fed. Civ. R. 41(a)(2) to dismiss this matter with prejudice. The Parties have agreed that the Court shall retain exclusive jurisdiction over this matter to enforce the terms of the Parties' settlement agreement.

Additionally, the Parties note that third party Stantec Consulting Services Inc.'s discovery motion (ECF No. 287) was pending at the time of the settlement conference. This motion was discussed during a telephone conference with Magistrate Judge Deavers on November 3, 2022, with letter briefing submitted by Stantec and Voith to Magistrate Judge Deavers following that conference regarding whether the Court has jurisdiction to decide the Motion.

The Parties will submit their respective proposed Order for the Court's consideration.

Dated: February 1, 2023

Respectfully submitted,

/s/ David J. Butler

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